

Attorney Docket No. AUS920010327US1
Serial No. 09/903,724

II. REMARKS

1. The examiner rejected claims 1-36 under 35 U.S.C. 102(e) as being anticipated by Jacoby (United States Patent Application Publication 2002/0107746).

Applicant submits that applicant's pricing hint is provided when a user indicates a desire for assistance with making a bid in an on-line auction. The user then makes the bid based on the pricing hint. This is different from Jacoby. Jacoby does not assist a user in an on-line auction. Rather Jacoby assists an agent in identifying a deal for purchase and transportation of a commodity (milk) so that the buyer and sellers conditions are met while the agent makes a profit.

Applicant has amended the claims to further clarify the above distinction. Applicant has amended the independent claims to state that a program determines if a user wants assistance with a bid in an on-line auction. Support for the amendment may be found in the specification, page 10, lines 15-18. Further, the user then makes the bid based on the pricing hint. (See specification, page 11, lines 1-3). Applicant submits that Jacoby does not disclose exactly every limitation of applicant's claims and amended claims.

In regard to the sections of Jacoby cited by the examiner, the examiner cited the following portions of Jacoby:

Page 1, paragraph 11: "The present invention is a computerized ... system configured to facilitate the function of intermediary broker agents in the purchasing and sale of consumable and perishable products, such as dairy goods." The computerized system provides agents of the intermediary broker with ... current market purchase prices...." The system further provides information "identifying .. current market selling prices ... enabling the agents to efficiently match goods purchased from a seller to a buyer's demand while achieving a desired profit

Page 11 of 13

Attorney Docket No. AUS920010327US1
Serial No. 09/903,724

margin." Page 1, paragraph 11 does not disclose providing assistance in the form of a pricing hint to a user in an on-line auction.

Page 5, paragraphs 58-61. A "Pricing" interactive component is disclosed with a menu to view market Prices, pricing history, a pricing calculator, or a view of a listing of links to external pricing information. The pricing calculator has fields into which the user can enter "product pricing parameters hauling parameters, and load parameters. "Product pricing parameters may include items such as the product code, the price type, the market price basis, the price function, and the price factor." The calculate button produces "an estimated product cost associated with the data provided by the user." Page 5, paragraphs 58-61 discloses a calculation that includes transportation (hauling costs), but does not disclose a pricing hint to a user in an on-line auction.

Page 6, paragraph 72 to page 7, paragraph 73. The disclosed process "provides a medium through which information related to buyers, sellers, haulers, products, and pricing stored on an e-commerce server data processing system is accessible from one or more workstations...." Sellers "provide ... the selling price." Buyers "provide information identifying the desired products, and haulers ... provide information identifying their transportation routes and hauling rates." A broker or broker's agent may "obtain contact information for buyers, sellers, or haulers, product information, pricing information, invoicing reports and transportation information." Page 6, paragraph 72 to page 7, paragraph 73 includes the haulers and does not disclose a pricing hint to a user in an on-line auction.

The examiner repeated the above grouping of Jacoby references for each element. Studying Jacoby and the referenced portions cited by the examiner shows that Jacoby is an intermediate broker aid to help match a buyer with a seller, a shipper, and to achieve a broker profit. In contradistinction, applicant provides a hint based on three pricing models (current

Attorney Docket No. AUS920010327US1
Serial No. 09/903,724

offering, historical, and market value) as an aid in an online auction. The hint identifies a price of an item that the user can select as a bid in an on-line auction. Jacoby helps a broker match buyer requirements in a viable commercial transaction that takes into account the transportation costs. Thus Jacoby does not disclose each element of applicant's invention exactly.

Applicant submits that the amended independent claims are in condition for allowance, and those claims depending from the amended independent claims depend from allowable claims, and are in condition for allowance.

Respectfully submitted,



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